

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

SUSAN ROY, on behalf of herself and all others
similarly situated,

Plaintiff,

v.

ESL FEDERAL CREDIT UNION,

Defendant.

NOTICE OF MOTION TO DISMISS

Civil Action No. 19-cv-6122
(FPG/MWP)

PLEASE TAKE NOTICE THAT Defendant ESL Federal Credit Union (“ESL”), by its undersigned attorneys, will move this Court on a date set by the Court or as soon thereafter as counsel can be heard, for an Order dismissing the First Amended Complaint of Plaintiff Susan Roy (“Plaintiff”) in its entirety, pursuant to Fed. R. Civ. P. 12(b)(6), for failure to state a claim upon which relief can be granted, and granting such other, further and different relief as this Court deems just and proper.

This Motion is based on this Notice of Motion, the accompanying Memorandum of Law, the Declaration of Kim Smith, dated November 7, 2019, the Request for Judicial Notice filed concurrently herewith, the pleadings and papers filed in this action, and such further argument and matters as may be offered at the time of the hearing of this Motion. ESL reserves the right to submit a reply.

Dated: November 7, 2019

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